UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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LAURENCE MALZBERG,

Plaintiff,

v. 19 Civ. 10048 (LJL)

NEW YORK UNIVERSITY,

Defendant. Argument

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New York, N.Y.
March 22, 2022
5:00 p.m.

Before:

HON. LEWIS J. LIMAN,

District Judge

APPEARANCES

MENKEN SIMPSON & ROZGER
Attorneys for Plaintiff
BY: RAYA SAKSOUK
SCOTT SIMPSON

KAUFMAN BORGEEST & RYAN
Attorneys for Defendant
BY: JOAN M. GILBRIDE
ESTHER B. FEUER

(Case called)

THE DEPUTY CLERK: Starting with counsel for plaintiffs, please state your appearance for the record.

MS. SAKSOUK: Raya Saksouk for the plaintiff, Larry Malzberg.

THE COURT: Good afternoon.

MR. SIMPSON: Scott Simpson, also for the plaintiff, Larry Malzberg. Good afternoon.

THE COURT: Good afternoon.

MS. GILBRIDE: Good afternoon, your Honor.

Joan Gilbride from Kaufman, Borgeest & Ryan, for the defense.

THE COURT: Good afternoon.

MS. FEUER: Esther Feuer, also from Kaufman, Borgeest & Ryan for defendant.

THE COURT: Good afternoon.

So it's defendant's motion. I'll hear first from defendants. And then I'll hear from Ms. Saksouk.

Is it the correct pronunciation?

At the end of the proceedings today, I'm going to ask defendant to order a copy of the transcript on an expedited basis.

As I think my courtroom deputy probably informed you, if you would like to address the Court without the mask on, you may do so from the podium. And I think I really need about 15

or so minutes from each side. If you want to in your argument focus me on the parts of the 56.1 statements that you think are most helpful to your case, that would be helpful to the Court.

Let me hear from defendant.

MS. GILBRIDE: Thank you, your Honor.

I will take advantage of the ability to take my mask off.

THE COURT: It's a welcome one.

MS. GILBRIDE: Yes.

Good afternoon, your Honor.

My name is Joan Gilbride. I represent the defendant, New York University, in this matter. And we have filed a motion for summary judgment.

Plaintiff, Laurence Malzberg, was a physician's assistant at NYU. He was there for quite a period of time and he worked in the radiology department.

Essentially, this is a case about a failure -- alleged failure to accommodate a disability. But as we argue in our summary judgment motion, it's a plaintiff who, we argue, does not have a disability within the meaning of the statute and never asked for an accommodation. So essentially, as we went through discovery here in this case, we were able to focus upon those issues. And significantly, the arguments that we're making here are that Mr. Malzberg does not have a disability, and that he never requested an accommodation.

During the course of discovery, Mr. Malzberg in his deposition — and this is in our Rule 56, your Honor — he admitted that he was not under the care of a physician. So initially he alleged that he had two disabilities. He said he had an issue with his back, and also an issue with his eyes. He had had cataract surgery. Through the course of the briefing here for summary judgment, plaintiffs had withdrawn their argument about the eyes. So, you know, there's a lot of briefing on that, information on Rule 56, please, you can ignore that.

But with respect to his back, plaintiff admitted at his deposition that he had not been under the care of a physician.

THE COURT: I can understand why that might be relevant in an evidentiary sense, but why would that be considered to be dispositive?

MS. GILBRIDE: Well, your Honor, what we think is dispositive is that he does not satisfy the statutory definition of "disability." And the courts in the Second Circuit look -- the evidence that they look to see to support a claim of disability, of course, there could be obvious things, like somebody has -- is deaf or is missing an arm or things like that. But in the absence of that, what courts look for is some medical evidence.

And here, plaintiff was not in the care of a

physician. He had not been in the care of a physician for almost eleven years. He had had an MRI back in 2008. This situation arose in 2019. He had been working in the radiology department performing various procedures, mainly inserting --

THE COURT: Let's go through the elements though in terms of disability.

Do you dispute that a back condition can constitute an impairment with respect to the first step?

MS. GILBRIDE: We don't dispute that, your Honor. In certain circumstances, of course, a back injury or a record of a back injury could be an impairment.

THE COURT: And is the focus of your argument then whether it substantially limits a major life activity? There is medical evidence of a back condition; correct?

MS. GILBRIDE: Plaintiff had an MRI in 2008, which indicated that he had muscular -- it's a degenerative bulging of the disks, essentially, which, if you look at the medical information that's available to anybody online, essentially, what that is is just, you know, something that happens with aging. We probably all have that condition. And, you know, so there's definitely -- he had this MRI in 2008.

He worked for us for eleven years with no indication of any need for any kind of an accommodation or any issues with respect to the duties that he was performing.

THE COURT: Isn't the relevant question not the

history of the eleven years, but at the moment in time when he's asked about the new position, whether he's got an impairment that substantially limits major life activities?

MS. GILBRIDE: Yes, your Honor. Absolutely. That is the key time period, at that moment in time.

And the evidence that's before the Court that's in the record is virtually nil with respect to that period of time.

THE COURT: Isn't there evidence in the record that's undisputed that he was not able to stand for more than 10 to 15 minutes? Do you dispute that?

MS. GILBRIDE: Your Honor, the only evidence there is that -- there's no evidence other than his self-serving statement that that was a fact. No one observed that. He was observed and he admitted in his testimony that he walked back and forth at work. He walked from one building on 17th Street to 30th Street. So we do dispute that, your Honor. I don't think -- in fact, I don't even think that's what plaintiff is claiming.

He's claiming that he couldn't stand for more than 15 to 20 minutes wearing a lead apron, which I'm not sure that that qualifies -- in fact, I'm sure that it doesn't qualify as a major life activity. If he was arguing, for example, that he couldn't stand, just stand, you know, for some period of time, and there was some medical evidence to support that, we would not dispute that that -- perhaps that could qualify as an

impairment. But then you have to go to the next step, whether it substantially limits a major life activity, your Honor. And there's just -- there's no evidence in the record, other than plaintiff's self-serving statements, that that is, in fact, the case.

THE COURT: If, in fact, there was evidence -- and I'll ask the plaintiffs about the evidence. But if, in fact, there is evidence from which the jury could find that he couldn't stand for extended periods of time, isn't that enough for a fact-finder to determine that that would substantially limit a major life activity? Isn't standing actually a major life activity?

MS. GILBRIDE: Your Honor, we don't dispute that. Of course standing is a major life activity. There's no question.

But plaintiff's argument is that he couldn't stand with a lead apron for 15 to 20 minutes. That's his argument. He obviously could stand. He walked back and forth to work, he performed his job responsibilities. I mean, there's no question that he was able to stand.

Just so your Honor -- there was never a request by Mr. Malzberg for any kind of an accommodation.

THE COURT: That's now a different argument.

MS. GILBRIDE: Well, I mean, I think it's evidence also, your Honor, of his -- whether or not there was a disability, of whether or not there was any evidence in the

record to support his argument that he is disabled. So he was performing his job functions. He was doing his job.

THE COURT: Right. But we're now talking about actually a different job. And the notion -- I thought there was testimony in the record that the previous job didn't require as much standing or exertion of effort as the new job that he was asked to assume.

MS. GILBRIDE: Well, plaintiff's testimony is that he believed that the new job would require more standing. But, in fact, the evidence demonstrates that he never even accepted the job. So he -- you know, it's really pure speculation on his part concerning whether or not he could perform the job. And he never indicated to anybody that he needed any kind of an accommodation to perform the job.

So he had been in that position -- or he thought -- he thought he was going back to the same position he had had. He had been in -- it's the VIR, the vascular interventional radiology department. He had been in that department up until 2005 -- sorry, 2012. And then in 2012, he was asked to transfer to another location. And he was performing a subset of what he'd been doing in the first job.

So when this happened in February of 2019, I think plaintiff automatically assumed that he was going to be going back to that same position. In fact, there was never a meeting of the minds about what the duties of that job were going to be

because plaintiff immediately said, I'm not doing it.

THE COURT: Well, that's actually what your witnesses testified to. What he testified to was that at the February meeting he referenced his back problem, he referenced his impairments.

MS. GILBRIDE: He did testify to that, you're right, your Honor.

THE COURT: And isn't that enough to have triggered a responsibility on the part of your client to say, Well, we can accommodate that?

MS. GILBRIDE: No, your Honor, I don't think it is.

THE COURT: Why not?

MS. GILBRIDE: The case law, the *Brady v. Walmart* case, which essentially a plaintiff has the burden -- an employee has the burden of requesting an accommodation.

THE COURT: But they don't need to use magic words.

MS. GILBRIDE: No, no, they don't. But in certain circumstances -- and it's the *Brady* case where there is an obvious disability. And in that case, what it was, that was a carve-out of the general principle that it is the employee's burden to request an accommodation. And in that case, the *Brady* case, the plaintiff had cerebral palsy. And it was perfectly obvious to all of his coworkers and his supervisor that he had a disability. And in that case, the Second Circuit carved out this exception and said, Where there's an obvious

disability, then it is the -- then the employer has this affirmative obligation, when they observe that, to institute the interactive process.

Without the obvious disability, your Honor, it is the -- it is clearly the employee's burden to begin the interactive process.

THE COURT: Right. But it's not enough to say, I've got a back problem. I'm concerned about the job that you're asking me to assume. I'm not sure that I can do it because of my back problem. Let's assume that that's the hypothetical. Why wouldn't that be enough for the employer then to engage? Doesn't at that point it become obvious to the employer that there is an impairment that would require an accommodation?

MS. GILBRIDE: I think the burden at that point is on -- still on the employee to say, I need something. I need some -- I need you to change the job. I need you to do something. That never happened here. Mr. Malzberg simply, you know, moved on. He moved on to another job opportunity. He tried to obtain another job. And, in fact, his very last day at NYU, he went back to his old job. So he never indicated that he wanted this new function.

THE COURT: That's looking at things from your perspective. But if I construe all of the facts favorably to the nonmoving party, draw inferences in favor of the nonmoving party, wouldn't the facts tend to demonstrate that he actually

did want this job and he wanted to stay at the hospital as long as they could accommodate him?

MS. GILBRIDE: Your Honor, I think one fact that is undisputed is that on March 27th, he met with HR, which was documented the following day. And Ms. Tavares said to Mr. Malzberg, If you want this position, we can work with you. Let us know. We'll engage with you in the interactive process. And Mr. Malzberg's testimony was that he simply ignored it. He didn't respond. That was his testimony. So he ended whatever interactive process was beginning at that point. He just failed to engage in the interactive process.

THE COURT: Maybe it was at that point a little bit too late from your client's perspective; they had ignored for weeks the issue that had been raised as early as February, if not before then.

MS. GILBRIDE: Well, your Honor, I mean, February 14th was when the first discussion was held about this change. And within a week, Mr. Malzberg was off interviewing for another position. And it wasn't until that process ended on March 15th that he then, you know, went to HR and had this conversation.

So it's difficult to say -- I think it's very difficult to say that that was too long or too late or, you know, it was the way that the process went and that was Mr. Malzberg's choice. You know, he had -- he could have responded on March 28th and said, I do want this job. Here's

what I need. I mean, he never told us what he needed to do this job. His response was always, you know, I can't do it. I can't do it. And that's not a request for an accommodation. He never requested an accommodation.

I think, taking a look at the *Anderson v. National Grid* case, in which Judge Bianco looked at back -- evidence of a back injury. I think there the Court made it clear that, you know, there has to be some medical evidence; you can't simply have the plaintiff's testimony at summary judgment saying that he has a disability.

THE COURT: Isn't there actually medical evidence in this case, both in the form of the medical examination that was done right before the employment ended and the subsequent medical testimony?

MS. GILBRIDE: There was an MRI that was done in 2008, and then there was an MRI that was done on March 29th of 2019. None of that information was ever submitted to the employer.

THE COURT: Right. But that goes to the question of notice. That seemed to me you were arguing that he didn't have an impairment. And if he didn't -- why isn't all of that evidence, medical evidence of the impairment?

MS. GILBRIDE: Your Honor, I don't believe that that evidence, of those two MRIs, demonstrate that there was a substantial limitation on Mr. Malzberg's ability to stand or sit or to do any major life activity.

THE COURT: What about the evidence that was -- that's in the record from after the time period that his employment was terminated?

MS. GILBRIDE: I think your Honor is referring to the expert report that --

THE COURT: Yes.

MS. GILBRIDE: Yes. From 2021.

THE COURT: Right.

MS. GILBRIDE: As your Honor pointed out earlier, the key element is what was -- what the person's physical condition was at the time that he's alleging that we should have engaged --

THE COURT: But isn't the later report evidentiary with respect to his condition at the relevant time period? You surely wouldn't argue — maybe you would — that a litigant in a case can't have a medical report or medical expert to testify about what the current condition is, and that the current condition is something that's chronic, and that would have existed at the relevant time period?

MS. GILBRIDE: You know, in a different context, of course an expert's opinion would be relevant. But here, this is an individual who -- he did not examine Mr. Malzberg at the time that the accommodation was being requested. So it's pure speculation on his part what Mr. Malzberg's physical condition was back in 2019. And it certainly is not evidence that was

ever submitted to the employer. I think it's not competent evidence for the purpose -- for this particular purpose. So I don't believe that that is evidence that the Court should be considering in determining whether or not Mr. Malzberg satisfies the statutory definition of "disability."

Secondly, the second argument is that Mr. Malzberg never requested a reasonable accommodation. And I think the case law there is clear from the Second Circuit, most recently in the *Costabile* case, that it is the employee's burden to request an accommodation. And here, there's no evidence -- Mr. Malzberg admitted at his deposition that he did not request an accommodation. That's an admission. That's in the record. And I think without his request for an accommodation, he cannot -- he can't satisfy the elements of a failure to accommodate claim, which requires that he do that, and that the employer then refuse that requested accommodation. You can't refuse something if it's never requested.

THE COURT: Okay. All right. I've got your argument.

I'll give you five minutes at the end to respond.

MS. GILBRIDE: Okay. Thank you.

THE COURT: Ms. Saksouk, maybe we can start with where in the record there is evidence with respect to the limitations of your client's ability to stand.

MS. SAKSOUK: Yes. Thank you, your Honor.

So, your Honor, in this case we have medical evidence

from 2006, 2008, 2019, and afterwards, that substantiate Mr. Malzberg's claim that he cannot stand for longer than 15 to 20 minutes at a time without a lead vest.

THE COURT: I'm sorry, without --

MS. SAKSOUK: Without a lead vest. Purely standing for 15, 20 minutes at a time, he cannot do that without severe pain.

THE COURT: And what you're saying is in your view there is evidence in the record that he can't stand for more than 10 to 15 minutes, regardless of whether he's got the lead apron on.

MS. SAKSOUK: Yes, your Honor, 15 to 20 minutes.

THE COURT: Fifteen to 20. I'm sorry.

MS. SAKSOUK: Yes.

THE COURT: And can you point me to where you think there is evidence that would support that.

MS. SAKSOUK: Yes, your Honor.

Well, I think the most probative piece of evidence would be the March 29th, 2019 MRI report which, importantly, was interpreted in our expert's report, Dr. Silber's report. The report relied in large part on Dr. Silber's interpretation of those MRI findings. He found that they were consistent with somebody who experiences back pain and who cannot stand for prolonged periods of time. And, in fact, Dr. Silber recommended that plaintiff avoid standing for longer than 10 to

15 minutes at a time.

THE COURT: Doesn't that say that he avoids standing for more than 10 to 15 minutes at a time without a lead apron?

MS. SAKSOUK: Correct.

THE COURT: Got it.

So your interpretation is even without a lead apron, he can't stand for more than 10 to 15 minutes.

MS. SAKSOUK: Yes, that's correct, your Honor.

THE COURT: Okay.

All right. I didn't mean to interrupt the flow of your argument. Why don't you start wherever you had prepared to start. I would be interested in your responses to the argument from your colleague at the defense bar.

MS. SAKSOUK: All right. Thank you, your Honor.

All right. So, your Honor, defendants have failed to establish -- defendant has failed to establish that it's entitled to summary judgment in this case; and I think there are three principal reasons why that is.

First, the evidence, as we just discussed, does support that Mr. Malzberg, Larry, has an ADA-qualified disability. The defendant concedes that standing is a major life activity. We know that from the EEOC regulations as well. And prior cases have found that this kind of physical challenge is substantially limiting under the law.

And specifically, those cases that are cited in our

brief are *Parada v. The Industrial Bank of Venezuela*, a Second Circuit case from 2014, where the court held that the inability to sit for a prolonged period of time may be a disability depending on the totality of the circumstances. And *Picinich v. UPS*, which was a Northern District case from 2004, which found that the plaintiff was disabled almost entirely based on a doctor's report that she couldn't stand, sit, or walk for more than 30 minutes at a time, as well as evidence that the limitations were expected to be permanent.

And, your Honor, those are essentially the facts of this case. He cannot stand for longer than 15 to 20 minutes at a time. And the fact that he has medical evidence stretching back to 2006 suggests it's been over 15 years, it is a long-standing problem that has gotten worse. There's no indication that it will be going away anytime soon.

THE COURT: Is it a musculoskeletal problem or neurological problem?

MS. SAKSOUK: I believe it's a skeletal problem, a musculoskeletal impairment, your Honor.

Also, with respect to one of the points that defendant made about the fact that plaintiff was walking from place to place in the hospital, the ADA doesn't require that more than one major life activity be substantially limited. And I think the use of the back is different, depending on if you're walking or you're standing. I don't think it's really

probative.

THE COURT: Defendant argues that there needs to be medical evidence from the time. And you, in your answer to me just now, relied upon your expert's interpretation of the records from after the time that your client is terminated.

There may be a common sense notion, you know, as to whether you need medical evidence from the time or not. Is there case law with respect to whether you need medical evidence of an impairment in order to qualify under the ADA?

MS. SAKSOUK: Yes, your Honor. In 2015, the Second Circuit in the *Rodriguez* case, which we cite in our brief, it's *Rodriguez v. Village Green Realty*, the court clarified that medical evidence is not necessarily required in ADA cases on summary judgment. If there's other evidence in the record, that's enough.

And also on that point, your Honor, there is a Third Circuit case from 2000 that I think is relevant here because of how it relates to back pain. The Court in *Marinelli v. City of Erie, Pennsylvania* found that failing to present medical evidence of an impairment such as a neck injury or a back injury doesn't warrant judgment as a matter of law because these types of impairments are easily understood by a lay jury, compared to, say, hepatitis C. There's a case that they talk about and distinguish in that case where hepatitis C is a little bit -- it's harder to understand; you don't really have

a common sense knowledge of it. But that's not the case with back pain, your Honor.

THE COURT: What's your response to defendant's argument that your client really never requested an accommodation; he may have mentioned that he had back pain, he had concerns about the new job, but then he pretty quickly started to look for another job. And, you know, is what your client did enough to trigger an obligation on the employer?

MS. SAKSOUK: Yes, your Honor, it was.

So while it is a general -- it's probably more common that plaintiffs will directly ask for a reasonable accommodation, but the law doesn't require that since *Brady* in 2008. And in reality, the exception to that test is that where the disability is obvious, as in where the employer knows or reasonably should have known about the disability, they are on the hook; they are obligated to participate and initiate the interactive process.

And actually on that point, your Honor, there is a case that just came down yesterday in this Court, it's Judge Ramos. The case is called -- it's *Krow*. And in that case --

THE COURT: Do you have a Westlaw cite?

MS. SAKSOUK: Yes, I do. I actually have copies for the Court, as well, if you would --

THE COURT: If you want to hand it up afterwards.

Do you have a copy for your adversary, as well?

MS. SAKSOUK: Yes. Thank you.

So in that -- oh, sorry. The WL cite is 2022 WL 836916, *Krow v. Pine Bridge Investments*.

And in that case, your Honor, the court dealt with this question of when is a disability obvious. And in that case, the plaintiff had a stroke, which his employers knew about. And then he his performance review started to decline. And the court found that that made -- that that decline of the performance reviews made his disability obvious. The employer should have connected the dots and known something was wrong.

In this case, we're not even asking -- or plaintiff isn't even asking NYU to make that sort of inference. He told them specifically, I have back pain. I cannot do this job without severe back pain, which we -- it's hard to imagine him being more obvious than that.

THE COURT: This is, it seems to me, a little bit of an odd case in a way because it's not as if your client was in a position, and while in that position, requested an accommodation. He was being asked to transfer to a new position.

And is there law with respect to when the ADA obligations to make a reasonable accommodation are triggered when there's a job offer, in other words, should I consider this to be him to be in a position of somebody who's a stranger, in essence, to NYU, who's applying for a position, or

does it make a difference that he's already within the system?

MS. SAKSOUK: I don't have a case directly on point, your Honor. But one distinguishing factor I'd like to point out is that it's sort of disputed whether it was actually an offer. Plaintiff's position is that he was required to report to IR starting on April 1st, 2019. So I think in that way it is more analogous to cases where the plaintiff is already in the job and is making their need for an accommodation known.

Continuing on that point of notice, your Honor, this is a major point of dispute between the parties. The reason it's a major dispute is because the answer may be dispositive on the ultimate question of liability, because liability attaches to the person who's responsible for the breakdown of the interactive process.

And defendant's version of the story is that it wasn't on notice that he had a disability until March 27th. But this is a clear factual dispute. There's evidence in the record that plaintiff talked to eight different people. He raised this concern at least 13 times in three months.

Most critically, on March 15th he texted and he emailed his direct supervisor, Dr. Rybak; told him that he can't do the job without pain; that's he's concerned about his health. And this entire time he was met with nothing but silence or ultimatums.

Which gets to point three, your Honor, which is that

NYU is responsible for sabotaging and breaking down the interactive process. Plaintiff spoke with people on the phone, he emailed people, he texted people. This is all in the record. He met with people in person. And NYU's message from the beginning was that if you don't take this job for any reason, you're seen as quitting.

And if NYU had actually tried to respond in good faith, what we would have seen was some kind of back and forth. NYU, as we know it, is a sophisticated institution. They have reasonable accommodation forms that they give to employees. Plaintiff never got these forms, he never knew they existed. There's sort of a black hole of evidence in the HR department about what happened. Because even though they were trained to take notes, many of these HR professionals did not take notes when plaintiff raises concerns to them. They did not open a sales force case, they did not open a file for him, nothing was produced in discovery from those meetings that he had with employees from HR.

And in addition to that, Dr. Rybak, Dr. Sista, and Mr. Lexa also, despite being familiar with the policy, NYU policy, which requires them to contact employee and labor relations when they become aware that an employee has a need for a reasonable accommodation, none of them did that, which is particularly telling because, your Honor, in defendant's briefs, they claim that Malzberg disrupted or thwarted the

interactive process because he did not respond to a supposed offer of accommodation made by Dr. Sista on February 14. We dispute that that ever happened. But it just goes to show how disputed this is and how much the parties disagree as to the facts.

And, your Honor, the law is clear that a party who obstructs or delays the interactive process is not acting in good faith. A party that issues ultimatums, that's stonewalling, fails to communicate by initiation or response, is not acting in good faith and is, therefore, responsible.

(Continued on next page)

THE COURT: Thank you very much, Ms. Saksouk. Is there more? I think I've got your argument.

MS. SAKSOUK: Just give me one second.

THE COURT: Let me ask you, actually, Ms. Saksouk, in addition to the expert's report that recommends that Mr. Malzberg perform a more sedentary-type job that involves periodic standing for no more than 10 to 15 minutes without an apron, what other evidence do you contend supports the proposition that your client is not able to stand for extended periods of time or was not at the relevant time period able to stand for extended periods of time?

MS. SAKSOUK: Your Honor, the other evidence in the record would be those MRI findings and the other medical documents which are consistent with someone who experiences back pain, and which our expert would surely testify to at trial.

THE COURT: Thank you very much.

MS. SAKSOUK: Thank you, your Honor.

THE COURT: Let me hear for about five minutes, no more than that, from defendants.

MS. GILBRIDE: I won't belabor any points, believe me. Thank you, your Honor.

I just want to point out that in terms of the Rodriguez case, which plaintiff's counsel mentioned, Second Circuit case, in that case the court made clear that

self-serving testimony is not sufficient to show evidence of a disability. Here, we had a plaintiff who never missed a day of work. He was performing his job. It is highly disputed -- we didn't get into these facts in the record because it's a summary judgment motion, but it is disputed what our response was when he went to HR. The HR people say that he had no interest in a request for an accommodation. He just stonewalled. He was not interested in that, but those facts are disputed, so we didn't get into that on the record. But what's not disputed, your Honor, is that there was a written communication to plaintiff that he just did not respond to in terms of, you know, requesting an accommodation. That's not disputed.

Thank you, your Honor.

THE COURT: Okay, thank you. Thank you both. Defendant will order a copy of the transcript.

Ms. Saksouk, let me ask you, because this is in the footnote, is this your first time arguing in federal court?

MS. SAKSOUK: Yes. Not exactly. It's my first sort of big motion, big dispositive motion.

THE COURT: Well, congratulations.

MS. SAKSOUK: Thank you, your Honor.

THE COURT: You did a very nice job, as did all counsel.

MS. SAKSOUK: Appreciate it, your Honor.

THE COURT: We'll adjourn. I'll take this under advisement.

(Adjourned)